

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5**

ORDER AMENDING PROCEDURAL ORDER ENTERED MARCH 15, 2000

THIS MATTER having come before the Court upon the October 13, 2000, Joint Motion to Amend the Procedural Order Entered March 15, 2000 (5890) filed by the plaintiff, State of New Mexico, *ex rel.*, State Engineer, and the defendant Acequia Associations represented by Mary E. Humphrey, Esq.

Being fully advised in the premises, I find that the motion is well taken and should be GRANTED.

IT IS ORDERED, THEREFORE, that paragraph II (C)(2) of the Procedural Order entered March 15, 2000 (5890), as amended by the Order filed August 28, 2000 (5931), is amended as follows:

2. A Claimant's failure to sign and return a Consent Order or file an Answer by September 29, 2000 shall be considered grounds for the entry of a Default Order which incorporates the State's proposed Consent Order.

The State shall request the clerk of the court, under Rule 55(a), to enter the

default of claimants who have failed to sign and return a Consent Order or file an Answer by November 15, 2000. Provided, (1) no default shall be entered against any party defendant who has not been properly served with process or waived such service; (2) no default shall be entered until a claimant has had 30 days to review a proposed Consent Order or revised proposed Consent Order sent by the State; and (3) no default shall be entered if a Claimant is engaged in good faith negotiation with the State concerning the terms of a proposed Consent Order, unless the State requests in writing that the Claimant file an Answer to the Complaint within 30 days.

/electronic signature/
VICKIE L. GABIN, SPECIAL MASTER